

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JUAN ENRIQUEZ,

Plaintiff(s),

vs.

RICKY DCOSTA, et al.,

Defendant(s).

Case No. 2:15-cv-0034-JAD-NJK

ORDER

(Docket No. 44)

Presently before the Court is Plaintiff Juan Enriquez's motion to adjudicate an attorney lien. Docket No. 40. Plaintiff Enriquez's prior counsel, Morrison Anderson, filed a response, and Plaintiff Enriquez replied. Docket Nos. 43, 42. Morrison Anderson then filed a motion seeking leave to file a sur-reply. Docket No. 44. For reasons discussed below, Morrison Anderson's motion to file a sur-reply is hereby **GRANTED**.

"A party is generally prohibited from raising new issues for the first time in its reply brief" as the opposing party is not afforded an opportunity to respond. *Queensridge Towers LLC v. Allianz Global Risk US Ins. Co.*, 2015 WL 1403479 at \*3 (D. Nev. Mar. 26, 2015) (citing *Eberle v. City of Anahiem*, 901 F.2d 814, 818 (9th Cir. 1990)). Therefore, "[w]here the moving party presents new matters for the first time in a reply brief, the Court may either refuse to consider the new matters or allow the opposing party an opportunity to respond." *Steven Cohen Prods. Ltd. v. Lucky Star, Inc.*, 2015 WL 3555384 at \*3 (D. Nev. June 5, 2015) (citing *Zamani v. Carnes*, 491 F.3d 990, 997 (9th Cir. 2007)). A court may grant a party leave to file a sur-reply in order to afford her that opportunity. *Id.* However,

1 such a sur-reply may “only address new matters raised in a reply to which a party would otherwise be  
2 unable to respond.” *Steven Cohen Prods. Ltd.*, 2015 WL 3555384 at \*3.


3 Here, Plaintiff Enriquez presented two new matters in his reply brief. First, Plaintiff Enriquez  
4 picked apart Morrison Anderson’s time sheets. Docket No. 43 at 2-6. Second, he denied that Morrison  
5 Anderson relinquished his complete client file. *Id.*, at 7-8. This deprived Morrison Anderson of the  
6 opportunity of addressing those arguments. Rather than refusing to consider Plaintiff Enriquez’s new  
7 arguments, the Court finds that Morrison Anderson should be afforded a chance to respond to them.

8 **IV. CONCLUSION**

9 Accordingly, the Court hereby **GRANTS** Morrison Anderson leave to file a sur-reply to address  
10 only the new matters raised in Plaintiff’s reply, no later than October 19, 2015.

11 IT IS SO ORDERED.

12 DATED: October 13, 2015

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16 NANCY J. KOPPE  
17 United States Magistrate Judge  
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